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September 3, 2002

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OFFICE OF
THE CHIEF JUSTICE

Chief Justice Maura D. Corrigan
Michigan Supreme Court
Cadillac Place, Suite 8-500
3034 W. Grand Blvd.
Detroit, MI 48202-6034

Re: Proposed Amendment of Rule 9.110 (ADB quarterly reports)
SC# 2002-16

Dear Chief Justice Corrigan:

On behalf of the Attorney Discipline Board, I am taking this opportunity to submit the Board's comment to the proposed amendment of Rule 9.110(8) which would require the Board to submit quarterly rather than annual reports to the Supreme Court. I am also providing you and the Justices with the 2001 Joint Annual Report of the Attorney Discipline Board and Attorney Grievance Commission. Although both the Board and the Commission have already submitted separate annual reports to the Court for 2001, the joint reports distributed by the two branches of the discipline system since 1980 provide a convenient source of information about the system as a whole.

On May 3, 2002, the Court ordered that the following amendment to MCR 9.110(E)(8) be published for comment:

Rule 9.110 Attorney Discipline Board

(E) Powers and Duties. The board has the power and duty to

(1) - (7) [Unchanged.]

(8) annually submit to the Supreme Court a quarterly reports summarizing the board's activities during the past year; and

(9) [Unchanged.]

The staff comment advises that the proposed amendment would require a quarterly report rather than an annual report and would be consistent with MCR 9.108(E)(7) which requires that the Attorney Grievance Commission submit quarterly reports.

Background:

When the ADB and AGC were created by the Supreme Court in 1978, the court rules governing the new agencies contained no reporting requirements. However, both the AGC and ADB prepared annual reports for 1979 and, with one exception, have continued that practice to the present day. In 1980, the two agencies collaborated in the preparation and distribution of a joint annual report covering the operation of the discipline system. The joint report is distributed to other discipline agencies, courts and government agencies.

In early 1990, then Grievance Administrator Deborah Gaskin advised the ADB that the AGC did not wish to participate in a joint annual report for 1989 nor did the AGC release a separate report for that year. In February 1991, the Court adopted amendments to MCR 9.108(E)(7) and MCR 9.110(E)(8) which required both the AGC and the ADB to submit annual reports to the Court. Both agencies filed annual reports for 1990 and the joint annual reports were reinstituted after a one year hiatus.

The rule requiring the AGC to file annual reports remained in effect until July 1995 when MCR 9.108 was amended to require the AGC to file quarterly, rather than annual, reports. The rule requiring annual reports from the ADB was not changed.

Current Reporting by the Attorney Discipline Board:

As noted above, the ADB has prepared and distributed annual reports since 1979. The ADB/AGC joint annual report is considered to be a government document and we are currently providing 65 copies to the Library of Michigan each year. In addition, the Board's annual reports since 1997 are posted on the Board's website.

Since at least 1985, the Attorney Discipline Board has prepared a monthly activity report for distribution to the Supreme Court, the Attorney Grievance Commission and the State Bar of Michigan. A copy of the Board's monthly report for the period ending July 31, 2002 is also enclosed.

Comment to the Proposed Amendment:

As the adjudicative arm of the Michigan Supreme Court in matters involving the supervision and regulation of Michigan attorneys, the Attorney Discipline Board will be happy to provide regular reports of its activities to the Court at such intervals as the Court deems appropriate. Inasmuch as the Board already prepares and distributes activity reports on a monthly basis, submission of quarterly reports to the Court will not impose an additional burden.

For internal use and for reporting to the appointed members of the Board, it is likely that the Board's staff will continue to prepare monthly reports. Similarly, the Board will, in all likelihood, continue to prepare and distribute an annual report to the State Bar and other organizations even if the annual reporting requirement to the Court is eliminated from the rule.

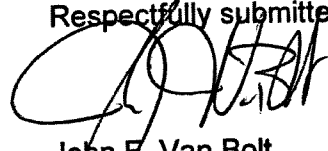
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Conclusion:

The Attorney Discipline Board appreciates this opportunity to provide comment to the Court regarding the proposed amendment of Rule 9.110(E)(8). The Board stands ready to provide regular reports to the Court in the form and frequency which best meets the Court's needs.

Respectfully submitted,



John F. Van Bolt
Executive Director

JVB/sm
enclosures

cc: Justices of the Michigan Supreme Court (with enclosures)
Members of the Attorney Discipline Board (without enclosures)
Linda Mohny Rhodus, Administrative Counsel, SCT (without enclosures)
Robert L. Agacinski, Grievance Administrator, AGC (without enclosures)
Carl Ver Beek, Chairperson, AGC (without enclosures)
Thomas Byerley, Regulation Counsel, SBM (without enclosures)
John Allen, Chairperson, State Bar Grievance Committee (without enclosures)